REMARKS

Claims 70-75, 77, 78, 80-109 were pending. Claims 70-75, 77, 78, and 80-95 have been cancelled without prejudice as being directed to non-elected inventions. Claims 108 and 109 also have been cancelled without prejudice. Applicants reserve the right to pursue the cancelled or removed subject matter in the instant application or in one or more related applications. Claims 96-107 have been amended to clarify the claimed invention. In particular, claims 96-107 have been amended by replacing the term "DNA sequence" with the term "polynucleotide." Support for such claim amendment can be found in the specification as filed, for example, at page 19, paragraph [00102]. In claims 96-107, the phrase "which encodes a heavy chain or a fragment thereof comprising" has been replaced with "wherein said antibody that binds to human IL-13 comprises" solely for clarity and editorial purposes.

Claims 96 and 97 have been amended to specify that the antibody that binds human IL-13 comprises antigen-binding regions derived from an anti-IL-13 antibody comprising the amino acid sequence of an antibody produced by a hybridoma designated with American Type Culture Collection ("ATCC") accession number PTA-5657. Support for such claim amendment can be found in the specification as filed, for example, at pages 19-20, paragraphs [00102]-[00106]; page 11, paragraph [0066]; page 5, paragraph [0016]; page 3, paragraph [0010]; page 22, paragraph [00117]; and claims 60 and 61 as originally filed. Also claim 96 and 97 have been amended to recite "variable heavy chain region" and "variable light chain region," respectively. Support for this amendment can be found in the specification, for example, at page 3, paragraph [0010]; page 5, paragraph [0016]; and page 19, paragraph [00102].

Claims 98 and 99 have been amended to recite the complimentarity determining region (CDR) sequences. Support for this amendment can be found in the specification, for example, at page 4, paragraph [0014]; and Figures 8 and 21A. Claims 106 and 107 have been amended by removing the recitation of "a single domain antibody" and "an antibody fragment," and by specifying that the antibody is selected from the group consisting of: a monovalent antibody, a multispecific antibody, a chimeric antibody, a humanized antibody, a single chain antibody, a Fab fragment, and a F(ab') fragment. Support for the amendment to claim 75 can be found in the specification, for example, at page 15, paragraph [0083].

New claims 110-155 have been added. Support for new claims 110-155 may be found in the specification, for example, as set forth in the table below.

New Claim No.	Exemplary Support in the Specification
110, 111	page 4, ¶¶ [0012] and [0015]; Figure 8
112-115	page 15, ¶¶ [0082]-[0085]; page 3, ¶ [0010]
116, 117	page 3, ¶¶ [0010]-[0011]; page 19, ¶ [00102] to page 20, ¶ [0106]; pages 22-23, ¶ [00117]; and page 50, ¶ [00236]
118, 119, 120, 121	pages 19-20, ¶¶ [00102]-[00106]; page 4, ¶ [0014]; and Figures 8 and 21A
122-125	page 4, ¶¶ [0012] and [0015]; Figure 21A
126-137	page 15, ¶¶ [0082]-[0085]; page 3, ¶ [0010]
138, 139	page 17, paragraphs [0092]-[0093]; pages 17-18, paragraph [0096]
140, 141	page 17, paragraphs [0092]-[0093]
142, 143, 146, 147	page 17, paragraph [0095]
144, 145	page 17, paragraph [0095]; and page 19, paragraph [00100]
148-155	page 9, paragraph [0057]; page 11, paragraph [0066]; page 21, paragraphs [00109]-[00112]; page 22, paragraph [00117]; and page 23, paragraph [00118]

No new matter is introduced by these amendments. Upon entry of these amendments, claims 96-107 and 110-155 will be pending in the instant application.

Restriction Requirement

In the Office Action mailed November 9, 2010, the Examiner has required a restriction to one of the following groups under 35 U.S.C. § 121:

I. Claims 70-75, 77, 78, 80-85 and 92-95, drawn to an antibody that binds to human IL-13, wherein said antibody binds to an epitope comprising the sequence of SEQ ID NO: 18 or SEQ ID NO: 19, a composition thereof or a hybridoma cell line that produced said antibody;

II. Claims 86, 88 and 90, drawn to a method of treating asthma in a patient, said method comprising administering to the patient an antibody that binds to human IL-13;

III. Claims 87, 89 and 91, drawn to a method of treating an inflammatory disease in a patient, said method comprising administering to the patient an antibody that binds to human IL-13; and

IV. Claims 96-109, drawn to a DNA sequence encoding a heavy or light chain of an antibody or fragment thereof that binds to human IL-13, a vector comprising said DNA sequence, and a host cell comprising said vector.

The Examiner contends that the groups of inventions do not relate to a single general inventive concept under PCt Rule 13.1, because under PCT Rule 13.2, they lack the same or corresponding special technical features.

In response, Applicants hereby elect Group VI, drawn to a polynucleotide encoding a heavy or light chain of an antibody or fragment of such antibody that binds to human IL-13, a vector comprising said polynucleotide, and a host cell comprising said vector. Applicants believe that pending claims 96-107 and new claims 110-155 are encompassed by elected Group VI. In particular, Applicants note that new claims 148-155 are drawn to a method of producing an antibody that binds human IL-13 using the claimed host cell encompassed by Group VI, and thus, Applicants believe that such claims also are encompassed by Group VI.

The Examiner also requires an election of a single species of CDRH1, CDRH2, CDRH3, CDRL1, CDRL2, and CDRL3 for prosecution on the merits. In response, Applicants elect the following species:

1. CDRH1 having the amino acid sequence of SEQ ID NO: 117;
2. CDRH2 having the amino acid sequence of SEQ ID NO: 123;
3. CDRH3 having the amino acid sequence of SEQ ID NO: 135;
4. CDRL1 having the amino acid sequence of SEQ ID NO: 99;
5. CDRL2 having the amino acid sequence of SEQ ID NO: 104; and
6. CDRL3 having the amino acid sequence of SEQ ID NO: 115.

Applicants believe that pending claims 96-107 and new claims 110-155 are readable on the elected species.

Upon the allowance of a generic claim, Applicant requests the Examiner's consideration of claims to additional species which are written in dependent form or

otherwise include all the limitations of an allowed generic claim pursuant to 37 C.F.R. § 1.141.

CONCLUSION

Applicants respectfully request that the above-made amendments and remarks be considered and entered in the file of the instant application.

It is estimated that no additional fee is necessary for filing this Response. In the event an additional fee is required, please charge the required fee to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

Date: December 13, 2010

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